

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

C&D TECHNOLOGIES, INC.	:	CIVIL ACTION
	:	
v.	:	
	:	
SCOTT L. MASON	:	NO. 08-cv-02200-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

November 24, 2008

Counsel for the parties have submitted a "Joint Motion for Agreed To Permanent Injunction," representing that they have settled this case but, as part of the settlement, have agreed that a final injunction be entered. Unfortunately, the proposed "Permanent Injunction" cannot be approved.

Under the terms proposed by counsel, the defendant and all others acting in concert with him would be ordered "to the extent that they have not done so already, to return to Plaintiff C&D Technologies any and all information pertaining to plaintiff C&D Technologies' operations ... that was generated or received by Defendant Scott L. Mason during the course of his employment with Plaintiff C&D Technologies ..." And the defendant would be required "to refrain forever from using, disclosing, or transmitting C&D Technologies Information as defined herein, in any way, directly or indirectly."

The proposed order does not define "C&D Technologies Information." In any event, I suggest it is impossible to "return information pertaining to" plaintiff's operations or, as

further suggested in the proposed order, "all information concerning customers with whom Plaintiff did or does business."

The motion will therefore be denied, without prejudice to the parties' right to submit a proposed injunction which makes sense. An Order follows.

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ORDER

AND NOW, this 24th day of November 2008, upon
consideration of the parties' "Joint Motion for Agreed To
Permanent Injunction," IT IS ORDERED:

That the motion is DENIED without prejudice to the
parties' right to propose a more reasonable form of injunction.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.